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JC887 U.S. PTO

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PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. F-209

First Inventor Ralph

An Intervertebral Spacer Device Utilizing a Spirally Slotted  
Title Belleville Washer Having Radially Spaced Concentric Grooves

Express Mail Label No. ET 07958515605

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
*(Submit an original and a duplicate for fee processing)*
2. ☒ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 18]  
*(preferred arrangement set forth below)*
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 5]
5. Oath or Declaration [Total Pages 2]
  - a. ☒ Newly executed (original or copy)
  - b. ☐ Copy from a prior application (37 CFR 1.63 (d))  
*(for continuation/divisional with Box 18 completed)*
    - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☒ 37 CFR 3.73(b) Statement ☒ Power of Attorney  
*(when there is an assignee)*
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
*(Should be specifically itemized)*
15. ☐ Certified Copy of Priority Document(s)  
*(if foreign priority is claimed)*
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No. 09 / 789,936  
Prior application information. Examiner unknown Group Art Unit 3732

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label ☒ Correspondence address below

Name Joseph P. Errico  
Address 150 Douglas Road  
City Far Hills State NJ Zip Code 07931  
Country USA Telephone 917-373-5918 Fax 908-234-1229

Name (Print/Type) Joseph P. Errico Registration No. (Attorney/Agent) 38,131  
Signature Date 10/11/01

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 410.00

## Complete if Known

Application Number	
Filing Date	10/11/01
First Named Inventor	Ralph
Examiner Name	
Group Art Unit	
Attorney Docket No.	F-209

## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 06-0245

Deposit Account Name: Fastenetix, LLC

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☒ Applicant claims small entity status See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
101	201	710	355			Utility filing fee	370.00
106	206	320	160			Design filing fee	
107	207	490	245			Plant filing fee	
108	208	710	355			Reissue filing fee	
114	214	150	75			Provisional filing fee	
SUBTOTAL (1)							(\$ 370.00

### 2. EXTRA CLAIM FEES

Total Claims: 20 -20\*\* = 0 X Fee from below = Fee Paid

Independent Claims: 2 -3\*\* = 0 X Fee from below = Fee Paid

Multiple Dependent: Fee from below = Fee Paid

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
103	203	18	9			Claims in excess of 20
102	202	80	40			Independent claims in excess of 3
104	204	270	135			Multiple dependent claim, if not paid
109	209	80	40			** Reissue independent claims over original patent
110	210	18	9			** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0.00

\*\*for number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
105	205	130	65			Surcharge - late filing fee or oath	
127	227	50	25			Surcharge - late provisional filing fee or cover sheet	
139	139	130	130			Non-English specification	
147	147	2,520	2,520			For filing a request for ex parte reexamination	
112	112	920*	920*			Requesting publication of SIR prior to Examiner action	
113	113	1,840*	1,840*			Requesting publication of SIR after Examiner action	
115	115	110	55			Extension for reply within first month	
116	116	390	195			Extension for reply within second month	
117	117	890	445			Extension for reply within third month	
118	118	1,390	695			Extension for reply within fourth month	
128	128	1,890	945			Extension for reply within fifth month	
119	119	310	155			Notice of Appeal	
120	120	310	155			Filing a brief in support of an appeal	
121	121	270	135			Request for oral hearing	
138	138	1,510	1,510			Petition to institute a public use proceeding	
140	140	110	55			Petition to revive - unavoidable	
141	141	1,240	620			Petition to revive - unintentional	
142	142	1,240	620			Utility issue fee (or reissue)	
143	143	440	220			Design issue fee	
144	144	600	300			Plant issue fee	
122	122	130	130			Petitions to the Commissioner	
123	123	50	50			Processing fee under 37 CFR 1.17(q)	
126	126	180	180			Submission of Information Disclosure Stmt	
581	581	40	40			Recording each patent assignment per property (times number of properties)	40.00
146	146	710	355			Filing a submission after final rejection (37 CFR § 1.129(a))	
149	149	710	355			For each additional invention to be examined (37 CFR § 1.129(b))	
179	179	710	355			Request for Continued Examination (RCE)	
169	169	900	900			Request for expedited examination of a design application	
Other fee (specify)							

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 40.00

## SUBMITTED BY

Name (Print/Type)	Joseph P. Errico	Registration No. (Attorney/Agent)	38,131	Complete (if applicable)	
Signature		Telephone	917-373-5918	Date	10/11/01

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement. This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

CERTIFICATE OF MAILING (UNDER 37 CFR 1.08 AND 1.10)

Docket No.  
F-209

TO THE ASSISTANT COMMISSIONER FOR PATENTS

I hereby certify that this correspondence is being deposited on 10/11/01 with the United States Postal Service's "Express Mail Post Office to Addressee" service and is addressed to Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.

Express Mail Label:

ET079585156US

documents included:

- ☒ Patent Application Transmittal (1 page)
- ☒ Fee Transmittal Form (1 page)
- ☒ Specification and claims (total 18 pages)
- ☒ Informal sheet(s) of drawings (total 5 sheets)
- ☒ Oath(s) or Declaration(s) (2 pages)
- ☒ Power(s) of Attorney (1 pages)
- ☒ Assignment(s) (2 pages)
- ☒ Recordation Form Cover Sheet(s) (1 pages)
- ☒ Statement Under 37 CFR 3.73(b) (1 page)
- ☒ Return Receipt Postcard

signed: \_\_\_\_\_

Joseph P. Errico, Esq.  
Reg. No. 38,131

dated: \_\_\_\_\_

10/11/01

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